

3 FAM 3770

TRAVEL TO POSTS UNDER AUTHORIZED OR ORDERED DEPARTURE AND TO UNACCOMPANIED/PARTIALLY UNACCOMPANIED POSTS

(CT:PER-670; 03-13-2012)
(Office of Origin: HR/ER/WLD)

3 FAM 3771 SCOPE

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

- a. Department policy for official and personal travel by employees, family members and members of household and for work-related travel by family members for purposes of employment outside the U.S. mission to:
 - (1) Posts under authorized or ordered departure; and
 - (2) Unaccompanied or partially unaccompanied posts.
- b. This section sets forth policies and procedures regarding prohibitions and restrictions on official and personal travel to posts in evacuation status and to those in unaccompanied or partially unaccompanied status. Under the relevant legal authorities, including the Diplomatic Security Act of 1986, 22 U.S.C. 4801 et seq., and long-standing Department practice, this policy applies to all employees from all Federal agencies.

3 FAM 3772 SUBCHAPTER DEFINITIONS

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

Authorized departure: An evacuation procedure, short of ordered departure, by which post employees and/or eligible family members are permitted to leave post in advance of normal rotation when U.S. national interests or imminent threat to life requires it. Departure is requested by

the chief of mission (COM) and approved by the Under Secretary for Management (M).

Employee: Foreign Service and Civil Service direct-hire employees; employees working under a personal service contract (PSC) or personal service agreement (PSA); third-country national (TCN) employees; and locally employed staff (LE staff) assigned to, on temporary duty (TDY) to, or employed by affected posts, except Department of Defense (DoD) employees under the command of an area military commander (also called the geographic combatant commander or GCC).

Family member: The categories of persons listed as eligible family members (EFMs) in 14 FAM 511.3 and any children of the employee, spouse, or domestic partner under the age of 18, whether or not such children are listed as EFMs.

Members of household (MOHs): Those persons who have accompanied or have joined an employee assigned abroad, who reside at post with the employee, who are other than legitimate domestic staff, and who have been declared to the chief of mission as part of his or her household (3 FAM 4180).

Ordered departure: An evacuation procedure by which the number of U.S. Government employees, eligible family members, or both, at a Foreign Service post is reduced. Ordered departure is mandatory and may be initiated by the chief of mission or the Secretary of State.

Partially unaccompanied post: A post at which only certain categories of family members or members of household are authorized to reside (e.g., only adults over 21 years of age, or only adults and nonschool-age children).

Post: Any Foreign Service establishment maintained by the United States abroad (2 FAM 110 Post Management - Post Organization).

Unaccompanied post: A post at which no family members or members of household are authorized to reside.

3 FAM 3773 BACKGROUND

(CT:PER-670; 03-13-2012)

(Uniform State/USAID/BBG/Commerce/Agriculture)

(Applies to Foreign Service and Civil Service Employees)

It is inconsistent with chief of mission (COM) and Department authority and responsibility for the security of employees and family members abroad to

permit unauthorized travel to countries/areas that the Department has determined to be dangerous enough to warrant authorized or ordered departure, or designated as unaccompanied or partially unaccompanied posts. The Department's paramount concern is the security and personal safety of all U.S. citizens abroad, and the Department shares with post staff the responsibility for ensuring the security of members of the entire official American community. Travel Warnings, issued by the Bureau of Consular Affairs, routinely urge private U.S. citizens to consider leaving countries where authorized or ordered departure is in effect or where our posts are unaccompanied.

3 FAM 3774 TRAVEL TO POSTS UNDER AUTHORIZED OR ORDERED DEPARTURE

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

The decision to approve authorized or ordered departure status affects the operations of the mission and the lives of employees and their family members. Congress maintains a high level of interest in the efficiency, process, and associated costs of the administration of evacuations. The Department must retain the confidence of Congress with respect to our policies and decisions in order to maintain operational flexibility and necessary funding levels.

3 FAM 3774.1 Overview of Travel Policy for Posts Under Authorized or Ordered Departure

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

- a. All official and personal travel (including travel by a family member for employment outside the U.S. mission) to a post or country where an authorized or ordered departure is in effect is prohibited without the formal approval of the Under Secretary for Management (M) following approval of a post policy that clearly describes appropriate restrictions and limits exceptions, in accordance with the procedures described under Waivers of Travel Prohibitions (3 FAM 3776).
- b. The prohibition of travel to a post or country applies to the following people:

- (1) Employees assigned to that post and their family members and members of household (MOHs) who were away from post (also called "caught out") when the authorized or ordered departure was approved;
 - (2) Employees beginning a tour of duty and their family members or MOHs; and
 - (3) All U.S. Government employees of any Federal agency, including those not affiliated with the mission, and their family members, regardless of their travel point of origin, except for Department of Defense employees under the command of the area military commander.
- c. A Travel Warning is issued by the Bureau of Consular Affairs whenever a post goes to authorized or ordered departure. The warning routinely urges private U.S. citizens to consider leaving or avoiding travel to countries where authorized or ordered departure is in effect.

3 FAM 3774.2 Travel to and from Posts When Authorized or Ordered Departure Is Approved

(CT:PER-670; 03-13-2012)

(Uniform State/USAID/BBG/Commerce/Agriculture)

(Applies to Foreign Service and Civil Service Employees)

- a. Employees, family members, and members of household (MOHs) who are away from post when an authorized departure is approved or who have not yet arrived to begin an assignment must obtain approval to travel to post by submitting a formal request to the Under Secretary for Management (M), following the procedures outlined in Waivers of Travel Prohibitions (3 FAM 3776). Typically, M or the chief of mission (COM) (with delegated authority) will approve requests to travel to posts in authorized or ordered departure status by personnel who perform emergency functions at post, although circumstances may necessitate the denial of such travel requests.
- b. Thirty days after an employee's arrival at a post where an authorized departure has been declared, family members and MOHs who did not accompany the employee may submit a formal request to M to travel to post, following the procedures in Waivers of Travel Prohibitions. Family members and MOHs requesting such travel must make it clear that their intention is to remain at post and not immediately elect authorized departure.

- c. Employees away from post when an ordered departure is approved or who have not yet arrived to begin an assignment also must obtain approval to travel to post by submitting a formal request to M, following the procedures outlined in Waivers of Travel Prohibitions. Family members and MOHs are not permitted to travel to a post if they are away when an ordered departure is approved.
- d. In limited circumstances, M may delegate to the COM the authority to approve travel to and from a post under authorized departure (including travel related to rest and recuperation (R&R), home leave, annual leave, etc.) for permanently assigned employees, family members, and MOHs who do not elect authorized departure status. M also may delegate to the COM, in limited circumstances, the authority to approve travel to post for employees who were away from post when ordered departure was approved.

3 FAM 3775 UNACCOMPANIED OR PARTIALLY UNACCOMPANIED POSTS

3 FAM 3775.1 Overview of Travel Policy for Unaccompanied or Partially Unaccompanied Posts

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

The Under Secretary for Management (M) has the authority to designate posts in imminent danger areas or in areas with severe hardships as "unaccompanied" or "partially unaccompanied." In making this determination, M takes into consideration post and geographic bureau recommendations. Unaccompanied means that no family members or members of household (MOHs) are allowed to reside at post. "Partially unaccompanied" means that only certain categories of family members or MOHs (e.g., only adults over 21 years of age or only adults and nonschool-age children) are authorized to reside at post. (The availability of family visitation travel that allows employees at unaccompanied or partially unaccompanied posts to visit family members who would normally reside with the employee is explained in 3 FAM 3730.)

3 FAM 3775.2 Personal or Work-Related Travel to Unaccompanied Posts

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

- a. Personal travel, or work-related travel by family members for employment outside the U.S. mission, to posts or countries that are unaccompanied is prohibited unless, in unusual or compelling circumstances, the Under Secretary for Management (M) waives the prohibition in accordance with procedures described in Waivers of Travel Prohibitions (3 FAM 3776). Approvals for such travel can be revoked at any time by M. Chiefs of mission (COMs) and M can impose conditions on the traveler's length of stay, whereabouts, and/or activities in country.
- b. The prohibition on personal or work-related travel to an unaccompanied post applies to:
 - (1) All U.S. Government employees of any Federal agency, including those not affiliated with the mission, other than those under the command of an area military commander, regardless of their travel point of origin, whether domestic or abroad; and
 - (2) Family members.
- c. This prohibition is based on relevant legal authorities, including the Secretary of State's authority under 22 U.S.C. 4802 to establish policies and programs for the protection of U.S. Government employees abroad and their accompanying dependents, as well as on long-standing Department practice.

3 FAM 3775.3 Personal or Work-Related Travel to Partially Unaccompanied Posts

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

Any personal travel by employees, family members, or members of household (MOHs), or work-related travel by family members for employment outside the U.S. mission to partially unaccompanied posts must be approved in advance by the Under Secretary for Management (M) following the procedures outlined in Waivers of Travel Prohibitions (3 FAM 3776). There is a presumption that such approval will be given for adults unless there are specific security concerns pertaining to the travel and/or travelers in question. As a general rule, absent compelling circumstances that would justify a waiver, personal travel by children to a post that is

partially unaccompanied will be permitted only if the children are in the category of those permitted to reside at post, and only if the travel is consistent with security considerations. M may revoke approvals for such travel at any time. Chiefs of mission and M can impose conditions on the traveler's length of stay, whereabouts, and/or activities in country.

3 FAM 3776 WAIVERS OF TRAVEL PROHIBITIONS

(CT:PER-670; 03-13-2012)

(Uniform State/USAID/BBG/Commerce/Agriculture)

(Applies to Foreign Service and Civil Service Employees)

- a. Requests for exceptions to the prohibition on travel to a post in authorized or ordered departure status or to a post designated as unaccompanied or partially unaccompanied must initially be made to the chief of mission (COM). The COM shall consult with the regional security office, consular officers, and other country team members as appropriate, in determining when exceptional travel may be authorized to such a post. For special instructions for Department of Commerce employees, see paragraph e of this section.
- b. In situations in which the Under Secretary for Management (M) has not delegated authority to the COM, waiver requests will be forwarded to the regional bureau executive director for review and a recommendation for approval or denial. If approved in principle by the regional bureau, the request will be forwarded to the Bureau of Diplomatic Security (DS) for clearance and returned to the regional bureau executive director for submission to M. To provide time for the review and approval/denial process, travelers must allow a minimum of 20 working days following submission of requests to the Department for all but the most urgent medical or casualty-related travel. Given changing conditions in these locations, requests should not be submitted to the Department more than 35 days prior to the proposed departure date.
- c. Third-country national (TCN) staff from countries where the post is in authorized or ordered departure status, or is unaccompanied or partially unaccompanied, or who are assigned to such a post, must obtain COM approval for official or personal travel to or from the post. This requirement does not apply to locally employed staff (LE staff) who are permanently resident in the restricted location.
- d. For a template, which may be modified as needed, to request the waiver of a travel prohibition, see Request for Personal Travel to Unaccompanied

or Partially Unaccompanied Embassy/Post.pdf.

- e. For Commerce: Prior to submitting a request to the Department of State, Foreign Service employees must submit a request to the Office of Foreign Service Human Resources, and the request must be approved by the Deputy Assistant Secretary for International Operations.

3 FAM 3777 SEPARATE MAINTENANCE ALLOWANCE

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

The grant of an involuntary separate maintenance allowance (ISMA) or voluntary separate maintenance allowance (VSMA) on behalf of a family member must be suspended the day that the family member arrives at post when the stay is or will be in excess of 30 consecutive days, or has exceeded or will exceed 90 days during one 12-month period. No other allowances or benefits under these regulations may be authorized for this member of family while visiting post. ISMA or VSMA payments may be resumed effective the day the family member departs en route to the separate maintenance allowance (SMA) point, provided the family member's stay at the post has not exceeded 90 days within one 12-month period (Department of State Standardized Regulations (DSSR) 266.1).

3 FAM 3778 SECURITY REQUIREMENTS AND ENFORCEMENT/DISCIPLINE

3 FAM 3778.1 Security Requirements

(CT:PER-670; 03-13-2012)
(Uniform State/USAID/BBG/Commerce/Agriculture)
(Applies to Foreign Service and Civil Service Employees)

Persons approved to travel to unaccompanied or partially unaccompanied posts or to posts under authorized or ordered departure must abide by any applicable security restrictions and requirements at post. Depending upon the circumstances at a particular post, travel by family members and members of household may be restricted to post facilities by post authorities, as opposed to the country at large.

3 FAM 3778.2 Enforcement/Discipline

(CT:PER-670; 03-13-2012)

(Uniform State/USAID/BBG/Commerce/Agriculture)

(Applies to Foreign Service and Civil Service Employees)

The Department expects all employees to make every appropriate effort to ensure that their family members, members of household (MOHs), and houseguests comply with the policies in 3 FAM 3770. Any employee not complying with the restrictions/prohibitions contained in these policies may be subject to disciplinary action by the Department of State, or referral for disciplinary action to their parent agency. While employees cannot be disciplined for the actions of their family members, MOHs, or houseguests, if any such people violate these policies, depending on the circumstances, employees may be subject to involuntary departure/curtailment of assignment. In extreme cases, the Department has the authority to revoke the passports of offending individuals.

3 FAM 3779 TRAVELERS IN TRANSIT AND HOUSEGUESTS

3 FAM 3779.1 Travelers in Transit

(CT:PER-670; 03-13-2012)

(Uniform State/USAID/BBG/Commerce/Agriculture)

(Applies to Foreign Service and Civil Service Employees)

Transit of a country in which a post is under authorized or ordered departure or has been designated as unaccompanied or partially unaccompanied must be avoided by employees, their family members, and members of household. If transit is unavoidable and the traveler will transit the country via a direct connecting flight with no intention to exit the airport, post should be informed of the party's transit. The Under Secretary for Management (M) does not, however, need to approve such cases. If the individual is required to stay overnight at the transfer point, the person must obtain M approval following the procedures in Waivers of Travel Prohibitions (3 FAM 3776). This approval ensures that the Department and the host mission are aware of the individual's presence and location should further emergencies arise. M may determine that these transit procedures will apply only to an individual post that is under authorized or ordered departure or has been designated as unaccompanied or partially unaccompanied when that post's status does not affect transit through the rest of the country. This determination will be included in the documentation that establishes the post's status as unaccompanied or partially unaccompanied or on authorized or ordered

departure.

3 FAM 3779.2 Houseguests

(CT:PER-670; 03-13-2012)

(Uniform State/USAID/BBG/Commerce/Agriculture)

(Applies to Foreign Service and Civil Service Employees)

- a. At posts under authorized or ordered departure and at unaccompanied or partially unaccompanied posts, the chief of mission (COM) may determine that occupancy of U.S. Government properties will be limited to U.S. Government employees, and, as appropriate, family members on official orders, members of household, and/or domestic staff. The presence of houseguests could strain already reduced post resources during a critical time and send a mixed signal to members of the private U.S. citizen community, whom we would be urging to depart.
- b. All visitors (including relatives and in-laws) who are not otherwise subject to the travel prohibitions of this subchapter applicable to employees, family members, and members of household but who will visit U.S. Government employees at post and stay with them also must be cleared in advance, following the procedures in Waivers of Travel Prohibitions (3 FAM 3776). Any requests for such a visit must be justified by unusual or compelling circumstances and address the impact the visit will have on a post operating under challenging conditions. When compelling circumstances result in approval of a visit to post, the COM and the Under Secretary for Management may impose limits on the number of such travelers, the travelers' length of stay at post (normally not to exceed 2 weeks), and their use of U.S. Government residential facilities.